

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 13 OF 2005

Pandurang T. Savale .. Appellant

Vs.

Shamji Faria and ors. .. Respondents

Mr. Rajesh Datar for appellant.
Mr. K.S. Dewal for Respondent No.2.

CORAM: B.H. MARLAPALLE, J.

Date : October 13, 2005.

P.C.:

1. Heard Mr. Datar the learned counsel for the appellant-plaintiff and Mr.Dewal the learned counsel for respondent no.2.

2. This appeal arises from the order dated 17/9/2004 passed by the learned 3rd Adhoc Additional Sessions Judge, Thane rejecting the application for temporary injunction filed at Exh.5 in Special Civil Suit No. 150 of 2003. The plaintiff's prayer for temporary injunction has been thus turned down more than one year ago and, therefore, with the passage of

time the challenge to the said order has become stale. It would be, therefore, more appropriate to dispose the appeal by expediting the trial of the pending suit.

3. Hence the appeal is disposed off and the trial in Special Civil Suit No.150 of 2003 is hereby expedited.

(B.H. Marlapalle, J.)